

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------------------|---|--------------|
| ESTES EXPRESS LINES | : | |
| 3901 West Broad Street, | : | |
| Richmond, Virginia 23230 | : | CIVIL ACTION |
| | : | |
| Plaintiff, | : | 02-CV-3526 |
| | : | |
| v. | : | |
| | : | |
| THE EASTLAND GROUP, INC. | : | |
| 13440 East Damar Drive | : | |
| Philadelphia, Pennsylvania 19116 | : | |
| | : | |
| Defendant. | : | |

REQUEST FOR ENTRY OF DEFAULT PURSUANT TO RULE 55(a)

Plaintiff, Estes Express Lines ("Estes") hereby requests that the Clerk enter a default against defendant The Eastland Group, Inc. ("Eastland"), a Pennsylvania corporation, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. In support of its request, plaintiff states the following:

1. Eastland was properly served by Process Server, Dennis Richman, on July 9, 2002. A copy of the Return of Service is attached as "Exhibit A" to this Request.
2. The time for Eastland to file an answer to the complaint has expired.
3. As of the date of the filing of this Request, Eastland has not filed an answer, a motion to dismiss, a motion for summary judgment, or any other responsive pleading.

WHEREFORE, plaintiff requests the Clerk to enter a default against defendant Eastland pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

JANSSEN & KEENAN, P.C.

Respectfully submitted,

By: _____

Paul D. Keenan
Kenneth J. Grunfeld
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2005 Market Street, Suite 2050
Philadelphia, PA 19103
TEL: (215) 665-8888
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Attorneys for Plaintiff
Estes Express Lines

Dated: August ___, 2002

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| Philadelphia, Pennsylvania 19116 | : | |
| | : | |
| Defendant. | : | |

APPLICATION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiff Estes Express Lines (“Estes”), pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, requests the entry of default judgment against defendant, The Eastland Group, Inc. (“Eastland”), a Pennsylvania corporation, for freight charges due and owing in the amount of Three Thousand Nine Hundred Sixty Five Dollars and Thirty Five Cents (\$3,965.35) plus interest thereon until paid in full, plus a reasonable attorney fee in the amount of One Thousand One Hundred Eighty Nine Dollars and Sixty One Cents (\$1,189.61), and the cost of this action. All of the freight charges were incurred by Eastland as either the named consignee or the shipper in a prepaid transaction. In support thereof, plaintiff avers:

1. A default for failing to Answer or otherwise defend the Complaint has been entered by the Clerk of the Court against Eastland.
2. As set forth in the Affidavit of Amount Due attached, plaintiff is entitled to damages as follows:

Amount claimed in Complaint..... **\$5,154.96** (\$3,965.35 in
freight charges plus \$1,189.61 in attorney's fees)
Amount received as partial payment **\$0.00**
Total amount due and owing..... **\$5,154.96**

4. After all credits, the defendant remains indebted to the plaintiff in the amount of \$5,154.96.

WHEREFORE, a default judgment is to be entered in favor of plaintiff Estes, and against defendant Eastland, in the amount of \$5,154.96, plus continuing interest and costs.

JANSSEN & KEENAN, P.C.

Respectfully submitted,

By: _____

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| | : | |
| Defendant. | : | |

DEFAULT JUDGMENT

AND NOW, this _____ day of _____, 2002, upon Application of Estes Express Lines' for Entry of Judgment by Default, and the Affidavit of Amount Due, it is hereby ORDERED that Judgment is entered in favor of plaintiff, Estes Express Lines, and against defendant, The Eastland Group, Inc., a Pennsylvania corporation, in the amount of \$5,154.96.

BY THE COURT:

J.